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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|----------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/791,812 | 03/04/2004 | Darrell Bentley | 4799-0111P | 3659 |
| 2292 | 7590 | 01/26/2005 | | EXAMINER |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | GILMAN, ALEXANDER | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2833 | |

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/791,812 | BENTLEY, DARRELL | |
| | Examiner | Art Unit | |
| | Alexander D Gilman | 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10, 13-16 and 19-24 is/are rejected.
- 7) Claim(s) 11, 12, 17 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 19 recite "slots lock the multi-port modules to the patch panel frame after the multi-port modules are fully inserted in the slots".

It is unclear how the slots 103, 105 having a regular configuration can lock (prevent from removing) the modules. The specification or drawings does not support that limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 5, 8-10, 14, 15, 16, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al

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With regard to claims 1, 14, 15 Clark et al (US 6,761,585) disclose a high-density multi-port-module patch panel system, comprising:

a rack having a first rail and a second rail (col. 3, lines 64-67);

a patch panel frame (10, Fig. 6) mounted to the rack, the patch panel frame having a front face substantially residing in a first plane;

a first plurality of multi-port modules (15) mounted to the patch panel frame, the ports of the first plurality of multi-port modules opening in a direction which is at a first angle, relative to a normal line extending away from the first plane, such that the ports of the first plurality of multi-port modules open toward the first rail of the rack; and

a second plurality of multi-port modules (15) mounted to the patch panel frame (Fig. 6), the ports of the second plurality of multi-port modules opening in a direction which is at a second angle, relative to a normal line extending away from the first plane, such that the ports of the second plurality of multi-port modules open toward the second rail of the rack.

With regard to claim 2, Clark et al disclose that each of the first and the second plurality of multi-port modules have plural ports (17) for accepting an electrical connector.

With regard to claim 4, Clark et al disclose that each of the first and the second plurality of multi-port modules have plural ports arrayed in a vertical column.

With regard to claim 5, Clark et al disclose that the first plurality of multi-port modules are located side-by-side in the patch panel frame, and the second plurality of multi-port modules are located side-by-side in the patch panel frame

With regard to claim 8, Clark et al disclose that the patch panel frame includes a centrally located reinforcement bar (11) of multi-port modules are positioned between the

With regard to claim 9, Clark et al disclose that the first plane is co-planer with a second plane containing the first and the second rails of the rack.

With regard to claims 10, 16 Clark et al disclose (Fig. 1) that each of the multi-port modules has a plurality of ports and a plurality of label surfaces adjacent to the plurality of ports.

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With regard to claim 20, Clark et al disclose (Fig. 1) the structure which operates using steps claimed

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of Below et al.

Clark et al disclose all of the limitations except for

Below et al disclose that each of the first and the second plurality of multi-port modules have plural ports for accepting an optical connector (Fig. 5).

Claims 6, 7, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al in view of Puetz et al.

With regard to claims 6, 7, Clark et al disclose all of the limitations except for a first cable manager (spool) on the first rail of the rack and a second cable manager (spool) on the second rail of the rack, the first and the second cable managers holding cables connected to the first and the second plurality of multirport modules, respectively.

Puetz et al disclose the cable managers (286).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Clark et al with the cable managers, as taught by Puetz et al , to organize the cables of the device..

With regard to claims 21-24, Clark et al when modified by Putz et al disclose (Fig. 1) the structure which operates using steps claimed.

Allowable Subject Matter

Claims 11, 12 , 17, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including

the patch panel frame comprises slots configumd at the first angle and the second angle to accommodate the first and the second plurality of multi-port modules, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

01/13/2005

Alex Gilman
ALEXANDER GILMAN
PRIMARY EXAMINER